

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**


**GREEN MOUNTAIN GLASS, LLC
AND CULCHROME, LLC**

Plaintiffs,

V.

SAINT-GOBAIN CONTAINERS, INC.
dba VERALLIA NORTH AMERICA

Defendant.



Case No. 1:14-cv-00392-GMS

**DECLARATION OF W. TODD SCHOETTELKOTTE IN SUPPORT
OF OPPOSITION TO MOTION FOR PREJUDGMENT INTEREST, ENHANCED
DAMAGES, ATTORNEYS' FEES, AND CONDITIONAL MOTION FOR A NEW
TRIAL REGARDING ARDAGH'S INFRINGEMENT OF U.S. PATENT NO. 6,230,521**

I, W. Todd Schoettelkotte, declare as follows:

1. I am President and a Managing Director of IPFC Corp. (“IPFC”), an independent consulting firm that provides a variety of consulting services, including financial analysis and valuation assessments for companies relating to technology issues, such as patents, trademarks, trade secrets, copyrights, and other forms of intellectual property. For more than 20 years, I have provided financial consulting services in a variety of litigation matters and disputes, including intellectual property, breach of contract, business interruption, valuation, and general damage assessments. I was retained as an expert on behalf of Ardagh to offer my opinions relating to damages in this case and to respond to Green Mountain Glass’s (“GMG”) claims for and calculations of damages.

2. Based upon personal knowledge, if called upon, I could and would competently testify to the following.

3. I have reviewed the Declaration of Michael J. Lasinski in Support of Plaintiffs’ Motion for Prejudgment Interest, Enhanced Damages, Attorneys’ Fees, and Conditional Motion for a New Trial (“Lasinski Declaration”).

4. Paragraph 4 of the Lasinski Declaration states that “[t]he Prime Rate serves as a conservative measure because plaintiffs['] borrowing cost would have been higher than the

Prime Rate during this period. That is especially true given that plaintiffs did not generate revenues during this period.”¹ This statement is unsupported, and misstates the facts.

5. First, the fact that “plaintiffs did not generate revenues during this period”² is misleading. Plaintiffs’ sole business is the licensing of the ‘737 and ‘521 Patents. I understand that the Plaintiffs have shown no business expenses related to this activity, nor any ongoing need for the revenues.

6. Second, Mr. Lasinski offers no evidence that “plaintiffs borrowing cost would have been higher than the Prime Rate during this period.”³ The Plaintiffs’ borrowing costs would be dependent on the Plaintiffs’ need for capital, what the capital might have been used for, Plaintiffs’ other assets (or the assets of their principals), among other considerations. These, and other, factors would have been taken into consideration as to whether or not the Plaintiffs would have been able to borrow at or below prime rates.

7. Third, Mr. Lasinski offers no evidence that the Plaintiffs did any borrowing, or experienced any borrowing costs.

8. In effect, Mr. Lasinski has simply assumed that the prime rate is appropriate.

9. The near-zero risk interest rate in the economy is generally taken to be the one year Treasury bill rate. Treasury bills, also called “T-bills,” are government securities with maturities ranging from a few days to 52 weeks.⁴ Bills are sold at a discount from their face value.⁵ The price of a bill is determined at auction.⁶ Treasury bills are considered near-zero risk because they “are backed by the ‘full faith and credit’ of the U.S. government.”^{7,8} I have been asked to calculate prejudgment interest using the one year Treasury bill rate.⁹

10. For sake of convenience, I have calculated prejudgment interest using Mr. Lasinski’s figures for Ardagh’s purchased non-flint cullet during the period March 28, 2008 through March 3, 2015 (approximately 4,192,815 tons of non-flint cullet during this period).

11. As detailed in Schedules 1.0 and 1.1 (attached hereto), my calculations in this regard yield total prejudgment interest through June 30, 2017 of \$972,381 based on quarterly compounding and \$919,986 based on annual compounding.

¹ Declaration of Michael J. Lasinski in Support of Plaintiffs’ Motion for Prejudgment Interest, Enhanced Damages, Attorneys’ Fees, and Conditional Motion for a New Trial Regarding Ardagh’s Infringement of U.S. Patent No. 6,230,521, May 19, 2017, p. 2.

² *Id.*

³ *Id.*

⁴ https://www.treasurydirect.gov/indiv/research/indepth/tbills/res_tbill.htm

⁵ *Id.*

⁶ *Id.*

⁷ <http://www.finra.org/investors/us-treasury-securities>

⁸ I have been informed that the Treasury bill rate is the statutorily prescribed measure for post-judgment interest under 28 U.S.C. § 1961.

⁹ Sourced from the Federal Reserve Economic Data (<https://fred.stlouisfed.org/>).

12. In Paragraph 5 of the Lasinski Declaration, Mr. Lasinski estimated a daily interest amount for period July 1, 2017 through September 30, 2017 (i.e., Q3 2017) using the prime rate. I have also been asked to prepare a calculation of daily interest for this period using the Treasury bill rate, assuming that the U.S. Treasury bill holds constant at an average of 1.05%. As detailed in Schedules 1.0 and 1.1, my calculations in this regard yield daily interest of \$1,470 per day (based on quarterly compounding) and \$1,464 (based on annual compounding). If necessary, this daily amount can be multiplied by the appropriate number of days subsequent to June 30, 2017 and added to either the \$972,381 (compounded quarterly) or \$919,986 (compounded annually) discussed above.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 8th day of June, 2017, at Houston, Texas.

A handwritten signature in blue ink, appearing to read 'W. Todd Schoettelkotte', is written over a horizontal line.

W. Todd Schoettelkotte

Prejudgment Interest - Compounded Quarterly
March 28, 2008 - June 30, 2017

| Period | Prior Quarter Royalty Base | Royalty Rate | Prior Quarter Royalties | Starting Accrued Royalties & Interest | T-Bill Rate (Annual) | Total Accrued Royalties & Interest | Interest Earned | Ending Accrued Royalties & Interest |
|------------------------|-------------------------------|-----------------|-----------------------------|--|-------------------------|---------------------------------------|--------------------------|--|
| Q2 2008 | 4,598 | \$12 | \$ 55,176 | \$ - | 2.35% | \$ 55,176 | \$ 321 | \$ 55,497 |
| Q3 2008 | 127,135 | \$12 | 1,525,620 | 55,497 | 2.06% | 1,581,117 | 8,068 | 1,589,185 |
| Q4 2008 | 141,555 | \$12 | 1,698,660 | 1,589,185 | 0.96% | 3,287,845 | 7,890 | 3,295,735 |
| Q1 2009 | 127,640 | \$12 | 1,531,680 | 3,295,735 | 0.55% | 4,827,415 | 6,584 | 4,833,999 |
| Q2 2009 | 125,493 | \$12 | 1,505,916 | 4,833,999 | 0.50% | 6,339,915 | 7,857 | 6,347,772 |
| Q3 2009 | 151,974 | \$12 | 1,823,688 | 6,347,772 | 0.43% | 8,171,460 | 8,702 | 8,180,162 |
| Q4 2009 | 156,394 | \$12 | 1,876,728 | 8,180,162 | 0.33% | 10,056,890 | 8,287 | 10,065,177 |
| Q1 2010 | 138,898 | \$12 | 1,666,776 | 10,065,177 | 0.34% | 11,731,953 | 9,959 | 11,741,913 |
| Q2 2010 | 152,902 | \$12 | 1,834,824 | 11,741,913 | 0.36% | 13,576,737 | 12,090 | 13,588,826 |
| Q3 2010 | 158,530 | \$12 | 1,902,360 | 13,588,826 | 0.26% | 15,491,186 | 10,059 | 15,501,246 |
| Q4 2010 | 157,968 | \$12 | 1,895,616 | 15,501,246 | 0.25% | 17,396,862 | 10,718 | 17,407,580 |
| Q1 2011 | 151,794 | \$12 | 1,821,528 | 17,407,580 | 0.26% | 19,229,108 | 12,327 | 19,241,435 |
| Q2 2011 | 159,378 | \$12 | 1,912,536 | 19,241,435 | 0.19% | 21,153,971 | 10,041 | 21,164,012 |
| Q3 2011 | 157,015 | \$12 | 1,884,180 | 21,164,012 | 0.13% | 23,048,192 | 7,487 | 23,055,679 |
| Q4 2011 | 167,390 | \$12 | 2,008,680 | 23,055,679 | 0.11% | 25,064,359 | 6,890 | 25,071,249 |
| Q1 2012 | 145,849 | \$12 | 1,750,188 | 25,071,249 | 0.15% | 26,821,437 | 9,829 | 26,831,266 |
| Q2 2012 | 147,804 | \$12 | 1,773,648 | 26,831,266 | 0.18% | 28,604,914 | 13,102 | 28,618,015 |
| Q3 2012 | 151,068 | \$12 | 1,812,816 | 28,618,015 | 0.18% | 30,430,831 | 13,431 | 30,444,263 |
| Q4 2012 | 159,161 | \$12 | 1,909,932 | 30,444,263 | 0.16% | 32,354,195 | 13,203 | 32,367,398 |
| Q1 2013 | 154,865 | \$12 | 1,858,380 | 32,367,398 | 0.14% | 34,225,778 | 12,258 | 34,238,036 |
| Q2 2013 | 160,179 | \$12 | 1,922,148 | 34,238,036 | 0.12% | 36,160,184 | 11,144 | 36,171,328 |
| Q3 2013 | 176,944 | \$12 | 2,123,328 | 36,171,328 | 0.12% | 38,294,656 | 11,164 | 38,305,820 |
| Q4 2013 | 170,184 | \$12 | 2,042,208 | 38,305,820 | 0.12% | 40,348,028 | 12,099 | 40,360,127 |
| Q1 2014 | 155,018 | \$12 | 1,860,216 | 40,360,127 | 0.11% | 42,220,343 | 11,957 | 42,232,301 |
| Q2 2014 | 139,623 | \$12 | 1,675,476 | 42,232,301 | 0.10% | 43,907,777 | 10,607 | 43,918,384 |
| Q3 2014 | 152,532 | \$12 | 1,830,384 | 43,918,384 | 0.10% | 45,748,768 | 11,433 | 45,760,201 |
| Q4 2014 | 152,984 | \$12 | 1,835,808 | 45,760,201 | 0.14% | 47,596,009 | 16,650 | 47,612,659 |
| Q1 2015 | 142,818 | \$12 | 1,713,816 | 47,612,659 | 0.21% | 49,326,475 | 25,876 | 49,352,351 |
| Q2 2015 | 105,121 | \$12 | 1,261,452 | 49,352,351 | 0.23% | 50,613,803 | 29,499 | 50,643,302 |
| Q3 2015 | | | | 50,643,302 | 0.33% | 50,643,302 | 41,729 | 50,685,031 |
| Q4 2015 | | | | 50,685,031 | 0.44% | 50,685,031 | 56,083 | 50,741,113 |
| Q1 2016 | | | | 50,741,113 | 0.56% | 50,741,113 | 70,889 | 50,812,002 |
| Q2 2016 | | | | 50,812,002 | 0.55% | 50,812,002 | 69,723 | 50,881,725 |
| Q3 2016 | | | | 50,881,725 | 0.54% | 50,881,725 | 68,974 | 50,950,699 |
| Q4 2016 | | | | 50,950,699 | 0.73% | 50,950,699 | 92,732 | 51,043,431 |
| Q1 2017 | | | | 51,043,431 | 0.86% | 51,043,431 | 108,969 | 51,152,399 |
| Q2 2017 ^{1,2} | | | | 51,152,399 | 1.05% | 51,152,399 | 133,750 | 51,286,149 |
| | <u><u>4,192,814</u></u> | | <u><u>\$ 50,313,768</u></u> | | | | <u><u>\$ 972,381</u></u> | |

Notes:

[1] One Year Treasury Bill rates are available through May 2017. Therefore, the average of April and May 2017 has been used as a proxy for Q2 2017.

[2] Daily prejudgment interest for Q3 2017 estimated as \$133,750 / 91 days = \$1,470.

Sources:

Schedule 2.0

Schedule 3.0

Prejudgment Interest - Compounded Annually*March 28, 2008 - June 30, 2017*

| Period | Prior Year Royalty Base | Royalty Rate | Prior Year Royalties | Starting Accrued Royalties & Interest | T-Bill Rate (Annual) | Total Accrued Royalties & Interest | Interest Earned | Ending Accrued Royalties & Interest |
|--------------------------------------|----------------------------|-----------------|-----------------------------|--|-------------------------|---------------------------------------|--------------------------|--|
| 3/28/2009 - 3/27/2010 | 520,706 | \$12 | \$ 6,248,471 | \$ - | 0.40% | \$ 6,248,471 | \$ 24,890 | \$ 6,273,361 |
| 3/28/2010 - 3/27/2011 | 598,546 | \$12 | 7,182,551 | 6,273,361 | 0.28% | 13,455,912 | 37,677 | 13,493,588 |
| 3/28/2011 - 3/27/2012 | 627,958 | \$12 | 7,535,491 | 13,493,588 | 0.14% | 21,029,080 | 30,317 | 21,059,397 |
| 3/28/2012 - 3/27/2013 | 618,351 | \$12 | 7,420,207 | 21,059,397 | 0.17% | 28,479,603 | 47,466 | 28,527,069 |
| 3/28/2013 - 3/27/2014 | 625,138 | \$12 | 7,501,661 | 28,527,069 | 0.12% | 36,028,730 | 42,634 | 36,071,364 |
| 3/28/2014 - 3/27/2015 | 642,697 | \$12 | 7,712,362 | 36,071,364 | 0.14% | 43,783,726 | 59,838 | 43,843,564 |
| 3/28/2015 - 3/27/2016 | 559,418 | \$12 | 6,713,013 | 43,843,564 | 0.39% | 50,556,577 | 198,013 | 50,754,590 |
| 3/28/2016 - 3/27/2017 | - | \$12 | - | 50,754,590 | 0.67% | 50,754,590 | 340,056 | 51,094,646 |
| 3/28/2017 - 6/30/2017 ^{2,3} | | | | 51,094,646 | 1.05% | 51,094,646 | 139,096 | 51,233,742 |
| | <u><u>4,192,813</u></u> | | <u><u>\$ 50,313,756</u></u> | | | | <u><u>\$ 919,986</u></u> | |

Notes:

[1] The final period has been prorated by the days in the period from March 28, 2017 through June 30, 2017, (95) over the total days in the period from March 28, 2017 through March 27, 2018 (365).

[2] One Year Treasury Bill rates are available through May 2017. Therefore, the average of April and May 2017 has been used as a proxy for the period 3/28/2017 - 6/30/2017.

[3] Daily prejudgment interest for Q3 2017 estimated as \$139,096 / 95 days = \$1,464.

Sources:

Schedule 2.0

Schedule 3.0

One Year Treasury Bill Rates¹*June 2008 - May 2017*

| Date | Rate % | Quarterly Average ² | Annual Average |
|----------|--------|--------------------------------|----------------|
| Jun-2008 | 2.35 | 2.35 | |
| Jul-2008 | 2.20 | | |
| Aug-2008 | 2.11 | | |
| Sep-2008 | 1.86 | 2.06 | |
| Oct-2008 | 1.38 | | |
| Nov-2008 | 1.04 | | |
| Dec-2008 | 0.47 | 0.96 | |
| Jan-2009 | 0.42 | | |
| Feb-2009 | 0.60 | | |
| Mar-2009 | 0.62 | 0.55 | 1.31 |
| Apr-2009 | 0.52 | | |
| May-2009 | 0.48 | | |
| Jun-2009 | 0.49 | 0.50 | |
| Jul-2009 | 0.46 | | |
| Aug-2009 | 0.44 | | |
| Sep-2009 | 0.38 | 0.43 | |
| Oct-2009 | 0.35 | | |
| Nov-2009 | 0.29 | | |
| Dec-2009 | 0.35 | 0.33 | |
| Jan-2010 | 0.32 | | |
| Feb-2010 | 0.33 | | |
| Mar-2010 | 0.37 | 0.34 | 0.40 |
| Apr-2010 | 0.42 | | |
| May-2010 | 0.35 | | |
| Jun-2010 | 0.30 | 0.36 | |
| Jul-2010 | 0.28 | | |
| Aug-2010 | 0.25 | | |
| Sep-2010 | 0.25 | 0.26 | |
| Oct-2010 | 0.22 | | |
| Nov-2010 | 0.24 | | |
| Dec-2010 | 0.28 | 0.25 | |
| Jan-2011 | 0.26 | | |
| Feb-2011 | 0.27 | | |
| Mar-2011 | 0.24 | 0.26 | 0.28 |
| Apr-2011 | 0.23 | | |

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

One Year Treasury Bill Rates¹
June 2008 - May 2017

| Date | Rate % | Quarterly Average ² | Annual Average |
|----------|--------|--------------------------------|----------------|
| May-2011 | 0.17 | | |
| Jun-2011 | 0.17 | 0.19 | |
| Jul-2011 | 0.18 | | |
| Aug-2011 | 0.11 | | |
| Sep-2011 | 0.10 | 0.13 | |
| Oct-2011 | 0.11 | | |
| Nov-2011 | 0.11 | | |
| Dec-2011 | 0.11 | 0.11 | |
| Jan-2012 | 0.11 | | |
| Feb-2012 | 0.15 | | |
| Mar-2012 | 0.18 | 0.15 | 0.14 |
| Apr-2012 | 0.18 | | |
| May-2012 | 0.19 | | |
| Jun-2012 | 0.18 | 0.18 | |
| Jul-2012 | 0.18 | | |
| Aug-2012 | 0.18 | | |
| Sep-2012 | 0.17 | 0.18 | |
| Oct-2012 | 0.17 | | |
| Nov-2012 | 0.17 | | |
| Dec-2012 | 0.15 | 0.16 | |
| Jan-2013 | 0.14 | | |
| Feb-2013 | 0.15 | | |
| Mar-2013 | 0.14 | 0.14 | 0.17 |
| Apr-2013 | 0.12 | | |
| May-2013 | 0.11 | | |
| Jun-2013 | 0.14 | 0.12 | |
| Jul-2013 | 0.12 | | |
| Aug-2013 | 0.12 | | |
| Sep-2013 | 0.11 | 0.12 | |
| Oct-2013 | 0.11 | | |
| Nov-2013 | 0.12 | | |
| Dec-2013 | 0.13 | 0.12 | |
| Jan-2014 | 0.11 | | |
| Feb-2014 | 0.11 | | |
| Mar-2014 | 0.12 | 0.11 | 0.12 |

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

One Year Treasury Bill Rates¹*June 2008 - May 2017*

| Date | Rate % | Quarterly Average ² | Annual Average |
|----------|--------|--------------------------------|----------------|
| Apr-2014 | 0.10 | | |
| May-2014 | 0.09 | | |
| Jun-2014 | 0.10 | 0.10 | |
| Jul-2014 | 0.10 | | |
| Aug-2014 | 0.10 | | |
| Sep-2014 | 0.10 | 0.10 | |
| Oct-2014 | 0.10 | | |
| Nov-2014 | 0.12 | | |
| Dec-2014 | 0.20 | 0.14 | |
| Jan-2015 | 0.18 | | |
| Feb-2015 | 0.21 | | |
| Mar-2015 | 0.24 | 0.21 | 0.14 |
| Apr-2015 | 0.22 | | |
| May-2015 | 0.22 | | |
| Jun-2015 | 0.26 | 0.23 | |
| Jul-2015 | 0.28 | | |
| Aug-2015 | 0.36 | | |
| Sep-2015 | 0.35 | 0.33 | |
| Oct-2015 | 0.25 | | |
| Nov-2015 | 0.45 | | |
| Dec-2015 | 0.63 | 0.44 | |
| Jan-2016 | 0.52 | | |
| Feb-2016 | 0.52 | | |
| Mar-2016 | 0.64 | 0.56 | 0.39 |
| Apr-2016 | 0.54 | | |
| May-2016 | 0.57 | | |
| Jun-2016 | 0.54 | 0.55 | |
| Jul-2016 | 0.50 | | |
| Aug-2016 | 0.55 | | |
| Sep-2016 | 0.58 | 0.54 | |
| Oct-2016 | 0.64 | | |
| Nov-2016 | 0.71 | | |
| Dec-2016 | 0.84 | 0.73 | |
| Jan-2017 | 0.80 | | |
| Feb-2017 | 0.79 | | |

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

One Year Treasury Bill Rates¹
June 2008 - May 2017

| Date | Rate % | Quarterly Average ² | Annual Average |
|----------|--------|--------------------------------|----------------|
| Mar-2017 | 0.98 | 0.86 | 0.67 |
| Apr-2017 | 1.01 | | |
| May-2017 | 1.09 | 1.05 | 1.05 |

Notes:

[1] One Year Treasury Bill: Secondary Market Rate, Percent, Monthly, Not Seasonally Adjusted

[2] One Year Treasury Bills were not sold prior to the month ending June 2008. Therefore, the rate for June 2008 has been used as a proxy for the average for Q2 2008.

Source:

Federal Reserve Economic Data - <https://fred.stlouisfed.org>

Cullet Purchases
March 2008 - March 2015

| | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | Total |
|-----------|---------|---------|---------|---------|---------|---------|---------|---------|-----------|
| January | | 42,274 | 46,938 | 55,510 | 47,089 | 58,214 | 46,473 | 49,923 | 346,421 |
| February | | 38,927 | 49,101 | 49,234 | 48,356 | 48,563 | 46,932 | 49,275 | 330,388 |
| March | 4,598 | 44,292 | 56,863 | 54,634 | 52,359 | 53,402 | 46,219 | 5,922 | 318,289 |
| April | 40,507 | 46,280 | 49,244 | 52,381 | 48,842 | 57,402 | 55,560 | | 350,216 |
| May | 42,088 | 45,756 | 51,253 | 51,868 | 50,737 | 62,101 | 43,921 | | 347,724 |
| June | 44,540 | 59,938 | 58,033 | 52,766 | 51,489 | 57,440 | 53,051 | | 377,257 |
| July | 47,005 | 57,614 | 51,045 | 51,178 | 51,728 | 56,097 | 48,207 | | 362,874 |
| August | 46,731 | 52,226 | 55,462 | 56,463 | 55,414 | 57,319 | 52,245 | | 375,860 |
| September | 47,819 | 46,554 | 51,461 | 59,748 | 52,019 | 56,768 | 52,532 | | 366,901 |
| October | 48,347 | 52,909 | 48,482 | 50,060 | 53,549 | 63,213 | 56,394 | | 372,954 |
| November | 41,629 | 45,396 | 47,898 | 51,998 | 54,200 | 50,762 | 50,595 | | 342,478 |
| December | 37,664 | 40,593 | 55,414 | 43,791 | 47,116 | 41,044 | 35,829 | | 301,451 |
| Total | 400,928 | 572,759 | 621,194 | 629,631 | 612,898 | 662,325 | 587,958 | 105,120 | 4,192,813 |

| | 3/28/2008 - 3/27/2009 | 3/28/2009 - 3/27/2010 | 3/28/2010 - 3/27/2011 | 3/28/2011 - 3/27/2012 | 3/28/2012 - 3/27/2013 | 3/28/2013 - 3/27/2014 | 3/28/2014 - 3/27/2015 ² | Total |
|---------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|------------------------------------|-----------|
| March 28 - March 31 | 4,598 | 5,715 | 7,337 | 7,050 | 6,756 | 6,891 | 5,964 | 44,310 |
| April | 40,507 | 46,280 | 49,244 | 52,381 | 48,842 | 57,402 | 55,560 | 350,216 |
| May | 42,088 | 45,756 | 51,253 | 51,868 | 50,737 | 62,101 | 43,921 | 347,724 |
| June | 44,540 | 59,938 | 58,033 | 52,766 | 51,489 | 57,440 | 53,051 | 377,257 |
| July | 47,005 | 57,614 | 51,045 | 51,178 | 51,728 | 56,097 | 48,207 | 362,874 |
| August | 46,731 | 52,226 | 55,462 | 56,463 | 55,414 | 57,319 | 52,245 | 375,860 |
| September | 47,819 | 46,554 | 51,461 | 59,748 | 52,019 | 56,768 | 52,532 | 366,901 |
| October | 48,347 | 52,909 | 48,482 | 50,060 | 53,549 | 63,213 | 56,394 | 372,954 |
| November | 41,629 | 45,396 | 47,898 | 51,998 | 54,200 | 50,762 | 50,595 | 342,478 |
| December | 37,664 | 40,593 | 55,414 | 43,791 | 47,116 | 41,044 | 35,829 | 301,451 |
| January | 42,274 | 46,938 | 55,510 | 47,089 | 58,214 | 46,473 | 49,923 | 346,421 |
| February | 38,927 | 49,101 | 49,234 | 48,356 | 48,563 | 46,932 | 49,275 | 330,388 |
| March 1 - March 27 | 38,577 | 49,526 | 47,584 | 45,603 | 46,511 | 40,255 | 5,922 | 273,979 |
| Total | 520,706 | 598,546 | 627,958 | 618,351 | 625,138 | 642,697 | 559,418 | 4,192,813 |

Notes:

[1] The period March 28th through the 31st has been prorated by multiplying cullet purchases for the month of March by (4/31). The period March 1st through March 27th has been prorated by multiplying cullet purchases for the month of March by (27/31).

[2] The '737 Patent expired on March 3, 2015. Cullet purchases have already been prorated through March 3, 2015 and as such no further proration is necessary for the period of March 1, 2015 through March 27, 2015.

Source:

Declaration of Michael J. Lasinski, May 19, 2017, Exhibits 2.2-2.11